

UTILIZATION OF NONCERTIFIED PERSONNEL
IN ELEMENTARY AND SECONDARY SCHOOLS

PURPOSE

School districts may employ teacher aides, secretaries for instructional personnel (clerical aides), and other paraprofessional personnel to assist teachers. The purpose of this document is to clarify the conditions governing the assignment of noncertified personnel employed at the elementary and secondary level.

The term "noncertified personnel," as used in this document, refers to aides and other support personnel for whom a valid Michigan teaching certificate is not required as a condition for employment.

The document does not apply to occupational and physical therapists, school nurses, or other licensed, certified, or approved professional support personnel and does not include personnel assigned to nursery schools operated under the provisions of Section 1285 of the School Code of 1976 or to personnel assigned to noneducational activities, such as athletic events, leisure time instruction or community service programs which are operated as extracurricular activities.

LEGAL AUTHORITY

The board of a school district is required under Section 163 of the State School Aid Act to assure that only qualified teachers are assigned the responsibility of providing instruction and are required under Section 1231 of the School Code of 1976 to hire and contract with qualified teachers.

School districts are prohibited from allowing noncertified personnel to teach in elementary and secondary schools within the State of Michigan as indicated in the following quote from Section 1233 of the School Code of 1976:

Subsection (1). The board of a school district shall not permit a teacher who does not hold a valid teaching certificate to teach in a grade or a department of the school, or a teacher without an endorsement by the State Board to serve in a counseling role as the role is defined by the State Board.

Noncertified personnel may be employed and assigned to assist teachers or other approved professional personnel including school nurses and special education support personnel as authorized in Section 1248 of the School Code of 1976 and R 390.1105 of the Michigan Administrative Code.

AUTHORIZED ACTIVITIES

School districts may employ noncertified personnel for:

1) Noninstructional activities including:

a. assisting the teacher to develop materials, do clerical work correct papers, etc.;

- b. maintenance and disciplinary activities in lunch rooms, on the playground, or in other school settings;
- c. functioning as health care aides, library assistants, or in other capacities where they are providing noninstructional support for the students; and
- d. supervising students before and after school and supervising noninstructional study hall periods (i.e., study hall periods not counted as part of the required 900 or 990 hours of instruction).

2. Instructional related activities including:

- a. complementing instruction such as assisting the teacher during the lesson by helping pupils who may be having difficulty in understanding or in keeping up with the class;
- b. supplementing instruction such as assisting the teacher by working with individuals or small groups of pupils on follow-up activities specified by the teacher; and
- c. reinforcing instruction such as assisting the teacher in administering remedial and drill activities for individuals or small groups.

ROLE AND RESPONSIBILITY OF NONCERTIFIED PERSONNEL

Districts are authorized to employ aides and other paraprofessionals to support teachers in the day-to-day operation of the school program. The following categories of noncertified personnel have special responsibilities or functions as established in rule or as a condition for receipt of state or federal funds.

- 1. Bilingual education instructional aides should be speakers of English and the native language of the students of limited English speaking ability. Such bilingual instructional aides assist in the delivery of instruction by completing, supplementing, and reinforcing instruction under the direction of a bilingual teacher. Where a bilingual teacher does not speak the native language of the students, then the bilingual instructional aide may translate the instruction as provided by the bilingual teacher.
- 2. Compensatory education aides reinforce instruction and provide tutorial services to compensatory education students. The aides are required to function under the supervision of the regular classroom teacher or the compensatory education teacher.
- 3. School bus attendants are authorized by R 340.274 of the Michigan Administrative Code to receive reimbursement when they ride buses to care for children. Their primary employment is for buses carrying severely handicapped children or large numbers of very young children.
- 4. Special education bilingual aides are authorized by R 340.1736 of the Michigan Administrative Code to assist school psychologists, social workers, teacher consultants, and special education ancillary service personnel who are completing a special education evaluation of non-English speaking persons. The bilingual aide's responsibility is to interpret the test material in the native language of the student. Prior to assigning a bilingual aide, the school district will comply with the following requirements of R 340.1721a:

- a. Give first consideration to evaluation personnel who are competent in English and in the native language and culture of the student.
- b. If bilingual personnel are not available, the district will try to contact with the bilingual/bicultural psychologist trainee, an intern currently enrolled in a professional training program, or a person who is competent in English and in the native language of the student.

School districts are also authorized to employ interpreters for the hearing impaired to support special education instructional programs. It is important to note that interpreters for special education students are assigned to noninstructional duty, and their main responsibility is to translate verbal language into manual communication for hearing impaired students.

5. Special education health care aides may be employed to serve in a supportive capacity to nurses, physical therapists, or occupational therapists as authorized in R 340.1744. Their responsibilities generally include bringing children from the classroom to the therapy session and back, helping prepare children for physical and occupational therapy, supervising children while they are doing independent exercises and so forth. Health care aides are not authorized to provide any therapy to the child.
6. Special education instructional aides employed in programs for the severely mentally impaired, severely multiply impaired, and trainable mentally impaired are required to be high school graduates or the equivalent. They must also have either two years of successful experience as an aide in one of these programs or to have advanced training in a community college or a degree granting institution whose special instructional aide training program is approved by the Department of Education. These requirements are found in R 340.1794 of the Michigan Administrative Code. Special education instructional aides are responsible for the day-to-day activity of special education students assigned to their program unit. The rules also authorize districts to employ program assistants who will work under the supervision of the instructional aides. Since the special education teacher may be supervising three or four instructional aides, each with their own program unit, it is not always possible for the teacher to be physically present in the classroom with the instructional aide. However, the instructional aides must work under the general supervision of special education instructional personnel. The special education teacher is responsible for the content of the instructional program including the writing of performance objectives for each special education student, for providing the initial instruction for each student or class of students, for periodically reviewing the activities that are conducted in the classroom by the instructional aide and any program assistants that might be employed, and periodically evaluating the student's performance as well as the performance of the instructional aide and program assistants. They need not be in the classroom with the instructional aides during all or most of the school day.
7. School districts may, under the meaningful direction and supervision of a certified teacher, utilize special education aides to supplement and reinforce curriculum delivered in community environments. Supervising teachers need not be present at the community site. Districts implementing such community-based options for special

education students should address the following issues to insure a quality program:

- a. Establish standards for teacher responsibility including meaningful direction and supervision;
- b. Establish standards for noncertified personnel responsibilities;
- c. Review liability coverage for staff and students;
- d. Establish appropriate in-service programs for staff and students; and
- e. Determine how to address community-based instruction in the student's individualized education program.

These options shall not be used to circumvent current rules and policies that relate to this section.

8. Special education program assistants are authorized under R 340.1738 and R 340.1748. Program assistants are assigned to special education teachers or to instructional aides and are involved in the feeding, lifting, and individualized care of severely mentally and severely multiply impaired students. School districts which employ program assistants must limit their activities to noninstructional duties related to caring for the severely mentally and severely multiply impaired students.
9. Vocational education paraprofessionals are noncertified aides assigned to vocational education teachers. They are required to have a minimum of two years of occupational experience and/or an associate degree and one year of occupational experience in the occupational area in which they received their degree.

SUPERVISION OF PERSONNEL ENGAGED IN NONINSTRUCTIONAL ACTIVITIES

Noninstructional personnel assigned to a school building are under the administration of the building principal as prescribed in Section 1247 of the School Code of 1976. Personnel may supervise students during library periods, study hall, lunch hour, and other times not counted as part of the student's instructional day or defined in R 340.10.

Each educational agency must assure that certified teachers are responsible for students during instructional periods each and every day; however, certified teachers may temporarily be absent during part of an instructional period to handle emergencies, discipline problems, or other unforeseen problems of a temporary nature.

SUPERVISION OF NONCERTIFIED PERSONNEL PROVIDING INSTRUCTIONAL SUPPORT

Noncertified personnel engaged in a complementing, supplementing, or reinforcing instruction which is counted as part of the instructional day under the Child Attendance Code, shall be under the meaningful direction and supervision of a certified classroom teacher [R 340.2(2)].

Noncertified personnel may not be given full responsibility for instruction. They may provide complementing, supplementing, or reinforcing instruction to individuals or small groups of students without the teacher physically being present so long as the teacher knows the whereabouts of the aide and students at all times, the noncertified personnel are not given full responsibility for instruction, and the activities of the noncertified person are under the meaningful direction and supervision of the teacher.

"Meaningful direction" means that the teacher is responsible for:

- a. planning and coordinating all lessons;
- b. presenting the initial lesson;
- c. identifying the type of complementing, supplementing, or reinforcing instruction to be provided; and
- d. specifying the type of methods, materials, and techniques to be used by noncertified staff.

"Supervision" means the certified teacher periodically:

- a. evaluates the performance of noncertified personnel providing instructional support;
- b. reviews the work plans; and
- c. periodically evaluates student progress.

AUTHORITY: STATE BOARD OF EDUCATION POLICY PER SPECIAL EDUCATION ADMINISTRATIVE MANUAL III, "Noncertified Personnel"